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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,539	03/01/2004	Mario Festag	M&N-IT-204 D	3380
24131	7590	08/09/2005	EXAMINER	
LERNER AND GREENBERG, PA			HAMMOND, BRIGGITTE R	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	
			2833	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,539	FESTAG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brigitte R. Hammond	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 5/2/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/1/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electrical component/transceiver must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,3-5, 8-13 are rejected under 35 U.S.C. 103(a) as being anticipated by Waldron 3,530,479 in view of Applicant's Admitted prior Art (AAPA) as discloses on page 1, of the instant application. Regarding claims 1 and 13, Waldron discloses a housing-shaped shielding plate B comprising: a shielding plate body having a first region that could be disposed inside a metallic structure, said first region having a plurality of wall sections, and a second region to be inserted through a cutout of the metallic structure, at least one of said plurality of wall sections of said first region of said shielding plate body having at least one elongated opening S formed therein being a slot antenna through which electromagnetic waves produced within said shielding plate body are coupled out of said shielding plate body. Waldron does not disclose the plate having an electrical component/optoelectronic receiver. However, Applicant discloses that it is well is known to provide an component/optoelectronic receiver with shielding plates for electromagnetic shielding. Therefore, it would have been obvious to one of ordinary skill to provide an component/optoelectronic receiver to make use of the shield.

Regarding claim 3, said slot antenna runs in a longitudinal direction of said shielding plate body.

Regarding claim 4, said slot antenna runs at an angle relation to a longitudinal direction of said shielding plate body.

Regarding claim 5, said plurality of wall sections includes side wall sections and said slot antenna extends between opposite edges of one of said wall sections.

Regarding claim 8, said shielding plate body forms a housing.

Regarding claim 9, said at least one of said plurality wall sections is a side wall.

Regarding claim 10, said at least one of said plurality of wall sections is a rear wall (since applicant has not defined where the rear wall is).

Regarding claim 11, said at least one of said plurality of wall sections is an upper wall.

Regarding claim 12, said shielding plate body emits electromagnetic waves being coupled out of said shielding plate body and radiated into the interior of the metal structure.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldon in view of Kurtz. Regarding claim 2, Waldon discloses the invention substantially as claimed except for the slot antenna having a length of  $\pi/2$  of the electromagnetic waves emitted. However, Kurtz discloses in claim 2, a slot antenna 40 having a length of  $\pi/2$  of the electromagnetic waves emitted. Therefore, it would have been obvious to one of ordinary skill to modify the shielding plate of Waldon by having a length of the slot  $\pi/2$  of the electromagnetic waves emitted as taught by Kurtz to obtain excitation in equal phases.

Regarding claim 6, Waldon discloses the invention substantially as claimed except for the slot antennas having different lengths formed in said shielding plate body.

Art Unit: 2833

However, slot antennas having different lengths formed in said shielding plate body are well known in the art as evidenced by Kurtz, (see table 1). Therefore, it would have been obvious to one of ordinary skill to modify the shielding plate of Waldon by having slot antennas having different lengths formed in said shielding plate body.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waldron in view of Glabe et al. 5,748,1 142. Waldron discloses the invention substantially as claimed, except for absorber material applied over said elongate openings formed in said shielding plate body. However, absorber material for absorbing electromagnetic waves and being applied over elongate openings formed is well known in the art as evidenced by Glabe et al. Glabe et al. disclose absorber material applied over elongate openings (col. 1, lines 40-45). Therefore it would have been obvious to one of ordinary skill in the art to modify the shielding plate of Waldron by providing an absorber material applied over the elongated openings for absorbing electromagnetic waves as taught by Glabe et al.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed May 2, 2005 have been fully considered but they are not persuasive. In response to applicant's argument that Waldron does not disclose inserting a first region inside a metallic structure. This is intended use. And a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the

Art Unit: 2833

claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967).

In response to applicant's argument that Waldron does not disclose coupling out electromagnetic waves produced within the plate body. The Examiner disagrees because this also is intended use. There is no structural difference between the claimed invention and the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967).

### ***Conclusion***

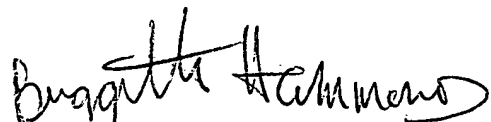
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brigitte R. Hammond  
Primary Examiner  
Art Unit 2833

August 3, 2005